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10/038,866	01/04/2002	David J. Luneau	10200-010001	6385

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/038,866

Applicant(s)

LUNEAU ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7, 10-12 and 15** are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf (US 5,875,232).

Regarding **claim 1**, Wolf discloses a personalized voice mail identification system (column 1, lines 9-12), (which reads on claimed "a data communication method for use in a telephone network having a caller identification feature"), wherein the caller-identification feature communicates data (column 3, line 45 "caller's message") to a called party (column 3, line 43 "the subscriber") that includes data corresponding to a telephone number of a calling party (column 3, line 12 "callerID codes"), the method comprising:

identifying a message recipient (column 3, line 43 "the subscriber") having a message recipient telephone number on the telephone network (column 3, lines 33-49) [It is inherent to dial the subscriber telephone number to call the subscriber such has the system would identify the recipient];

selecting a message (column 3, line 58 “a message”) for the message recipient (column 3, lines 50-60) [The message is selected when the subscriber wants to retrieve his messages];

providing a message code (column 3, line 58 “a message header”) corresponding to the selected message, wherein the message code is in the format of a telephone number (column 3, lines 50-60) [The message header includes the caller’s name and telephone number];

setting up a non-associated telephone call (column 2, line 5 “a caller calls”) to the recipient telephone number from a simulated calling party having the same telephone number as the message code (column 2, lines 10-20), such that the telephone network uses the caller-identification feature to communicate data corresponding to the message code to the recipient telephone number (column 2, lines 5-20) [The caller calls the system subscriber to leave a message to be delivered to the subscriber telephone number];

receiving the data corresponding to the message code at the recipient telephone number (column 3, lines 50-60) [The subscriber receives his message from the system when he selects the message to be retrieve].

Regarding **claim 2**, Wolf discloses the step of converting the received data corresponding to the message code (column 3, lines 50-60).

Regarding **claim 3**, Wolf discloses wherein the received data corresponding to the message code is converted to the message for the message recipient (column 3, lines 50-60).

Regarding **claim 4**, Wolf discloses the step of displaying the message as text (column 1, lines 44-57).

Regarding **claim 5**, Wolf discloses the step of audibly announcing the message (column 2, lines 21-32).

Regarding **claim 6**, Wolf discloses wherein the message is audibly announced over a speaker other than a speaker in a telephone handset (column 2, lines 21-32).

Regarding **claim 7**, Wolf discloses wherein the message is audibly announced over a speaker in a telephone handset (column 2, lines 21-32).

Regarding **claim 10**, Wolf discloses wherein the telephone network is the North American telephone network (column 3, lines 50-60).

Regarding **claim 11**, Wolf discloses wherein the caller-identification feature is Caller ID (column 3, lines 6-12).

Regarding **claim 12**, Wolf discloses wherein the data communicated to a called party by the Caller ID feature is the Incoming Caller Line Identification signal (column 3, lines 6-12).

Regarding **claim 15**, Wolf discloses wherein the caller-identification feature communicates data on a common channel interoffice signaling system (column 3, lines 6-12).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 8, 16-17, 19 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Tatchell et al. (US 5,905,774).

Regarding **claim 8**, Wolf as applied to **claim 7** differs from **claim 8**, in that it fails to disclose the telephone handset is corded.

However, Tatchell teaches wherein the telephone handset is corded (17 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephone handset is corded of Tatchell in the invention of Wolf.

The modification of the invention would offer the capability of the telephone handset is corded such as the system would enhance the telephone services.

Regarding **claim 16**, Wolf as applied to **claim 15** differs from **claim 16**, in that it fails to disclose the signaling system 7.

However, Tatchell teaches wherein the caller-identification feature communicates data on the signaling system 7 common channel interoffice signaling system (column 6, lines 26-34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the signaling system 7 of Tatchell in the invention of Wolf.

The modification of the invention would offer the capability of the signaling system 7 such as the system would enhance the telephone services.

Regarding **claim 17**, Wolf as applied to **claim 1** differs from **claim 17**, in that it fails to disclose plural message recipients.

However, Tatchell teaches the step of identifying plural message recipients, each having a respective message recipient telephone number (17a to 17n on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use plural message recipients of Tatchell in the invention of Wolf.

The modification of the invention would offer the capability of plural message recipients such as the system would enhance the telephone services.

Regarding **claim 19**, Wolf and Tatchell as applied to **claim 17** differ from **claim 19**, in that it fails to disclose the same message is selected for each of the plural recipients.

However, Tatchell teaches wherein the same message is selected for each of the plural recipients (column 8, lines 26-58).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the same message is selected for each of the plural recipients of Tatchell in the invention.

The modification of the invention would offer the capability of the same message is selected for each of the plural recipients such as the system would enhance the telephone services.



Regarding **claim 21**, Wolf as applied to **claim 1** differs from **claim 21**, in that it fails to disclose a distinctive ring.

However, Tatchell teaches the step of causing a telephone associated with the message recipient telephone number to provide a distinctive ring when data corresponding to a message code is received at the recipient telephone number (column 1, lines 55-57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a distinctive ring of Tatchell in the invention of Wolf.

The modification of the invention would offer the capability of a distinctive ring such as the system would enhance the telephone services.

6. **Claims 9 and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Suder et al. (US 6,067,349).

Regarding **claim 9**, Wolf as applied to **claim 7** differs from **claim 9**, in that it fails to disclose the telephone handset is cordless.

However, Suder teaches wherein the telephone handset is cordless (column 4, lines 61-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephone handset is cordless of Suder in the invention of Wolf.

The modification of the invention would offer the capability of the telephone handset is cordless such as the system would enhance the capabilities of a voice processing.

Regarding **claim 13**, Wolf as applied to **claim 10** differs from **claim 13**, in that it fails to disclose a three-digit area code and a seven-digit number.

However, Suder teaches wherein the format of the telephone number includes a three-digit area code and a seven-digit number (column 8, lines 36-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a three-digit area code and a seven-digit number of Suder in the invention of Wolf.

The modification of the invention would offer the capability of a three-digit area code and a seven-digit number such as the system would enhance the capabilities of a voice processing.

Regarding **claim 14**, Wolf as applied to **claim 10** differs from **claim 14**, in that it fails to disclose a ten-digit number.

However, Suder discloses wherein the message code is a ten-digit number (column 8, lines 36-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a ten-digit number of Suder in the invention of Wolf.

The modification of the invention would offer the capability of a ten-digit number such as the system would enhance the capabilities of a voice processing.

7. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Tatchell and in further view of Suder.

Regarding **claim 18**, Wolf and Tatchell as applied to **claim 17** differ from **claim 18**, in that it fails to disclose the basis of geographical location.

However, Suder teaches wherein the recipients are identified on the basis of geographical location (column 8, lines 36-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the basis of geographical location of Suder in the invention of Wolf and Tatchell.

The modification of the invention would offer the capability of the basis of geographical location such as the system would enhance the capabilities of a voice processing.

8. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Tatchell and in further view of Orwick et al. (US 6,201,856).

Regarding **claim 20**, Wolf and Tatchell as applied to **claim 19** differ from **claim 20**, in that it fails to disclose an emergency notification message.

However, Orwick teaches wherein the message is an emergency notification message (column 4, lines 39-64).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an emergency notification message of Orwick in the invention of Wolf and Tatchell.

The modification of the invention would offer the capability of an emergency notification message such as the system would enhance the flexible and efficient use of the equipment.

9. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Orwick.

Regarding **claim 22**, Wolf as applied to **claim 1** differs from **claim 22**, in that it fails to disclose an emergency notification message.

However, Orwick teaches wherein the message is an emergency notification message (column 4, lines 39-64).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an emergency notification message of Orwick in the invention of Wolf and Tatchell.

The modification of the invention would offer the capability of an emergency notification message such as the system would enhance the flexible and efficient use of the equipment.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kong is cited for an apparatus of generating voice messages (FIG. 1).

Moss et al. is cited for a system for providing enhanced caller identification (FIG. 1).

Sibecas is cited for an apparatus for communicating a user created message (FIG. 1).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.

June 12, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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